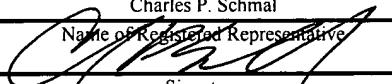




4002-3365:CPS:clk:338773

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: ) Before the Examiner  
William F. McKay )  
Serial No. 10/634,711 ) Bruce Edward Snow  
Filed August 5, 2003 )  
OSTEOGENIC FUSION DEVICE ) Group Art Unit 3738  
 ) August 5, 2003  
 )

I hereby certify that, on the date shown below, this correspondence is being deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 as "Express Mail Post Office to Addressee"  
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Charles P. Schmal  
Name of Registered Representative  
  
Signature  
April 4, 2005  
Date of Signature

INFORMATION DISCLOSURE STATEMENT

Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

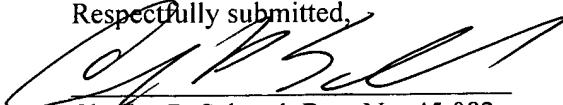
Sir:

Pursuant to the provisions of 37 CFR 1.56, 1.97 and 1.98, Applicant requests consideration of the references listed on attached form PTO-1449 (PTO/SB08A&B). A legible copy of each foreign patent document and publication listed on the PTO-1449 form is enclosed. This Information Disclosure Statement is submitted after the 1<sup>st</sup> Office Action on the merits and prior to the mailing date of a final Office Action or Notice of Allowance, and thus a fee of \$180.00 (set forth in 37 CFR §1.17(p)) is enclosed. For each non-English language reference listed on the attached form PTO-1449, DE 4409836 A, reference is made to, a copy of a related patent publication, WO 95/25483 A1, submitted herewith which contains a concise explanation its English language abstract.

The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in §1.56(b).

It is believed that no additional fees are required. Should any other fee be required, however, please charge such fee to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted,



Charles P. Schmal, Reg. No. 45,082  
Woodard, Emhardt, Moriarty, Mcnett &  
Henry LLP  
Bank One Center/Tower  
111 Monument Circle, Suite 3700  
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(317) 634-3456

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Substitute for form 1449A/PTO

## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 2 Attorney Docket Number

**Complete if Known**

Application Number	10/634,711
Filing Date	August 5, 2003
First Named Inventor	William F. McKay
Group Art Unit	3738
Examiner Name	Bruce Edward Snow
Attorney Docket Number	4002.3365

## U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
		DE 4409836 A	09-28-1995	Draenert		X
		EP 0577179 A	01-05-1994	Bristol-Myers		
		WO 91/06266 A	05-16-1991	Surgical Dynam		
		WO 95/25483 A1	09-28-1995	Draenert		X

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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Doc. No. 338770 WEMMH/SB/08A (4/03)

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## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

2

of

2

*Complete if Known*

Application Number	10/634,711
Filing Date	August 5, 2003
First Named Inventor	William F. McKay
Group Art Unit	3738
Examiner Name	Bruce Edward Snow
Attorney Docket Number	4002-3365

#### OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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